

1409
15 December 1945

The Honorable Everett J. Jones
Mayor of the City of Douglas
Douglas, A r i z o n a

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ARIZONA ATTORNEY GENERAL

Re: City of Douglas Airport Site

Dear Sir:

In reply to your request for our opinion as to whether the City of Douglas acquired the interest of the State of Arizona in the improvements on those portions of land known as the Douglas Airport Site, which are those parcels later described herein, please be advised that we are of the opinion that the City of Douglas did acquire the interest of the State of Arizona in the aforementioned improvements and that the State's title is divested as follows:

By resolution constituting agreement with the United States relative to operation and maintenance of the Douglas Municipal Airport, consisting of the lands hereinafter described, which said resolution was approved January 23, 1942, the Administrator of Civil Aeronautics of the United States Department of Commerce agreed that all improvements made under said project should be the sole and absolute property of the State of Arizona and the City of Douglas. Therefore, any improvements made by the Civil Aeronautics Authority on the said Douglas Airport Site would become the sole and absolute property of the State of Arizona and the City of Douglas.

That thereafter the said lands were duly advertised for sale and legally sold to the following named persons, each person being the purchaser of that parcel or parcels of land listed after his name, and patents were duly and regularly issued to said purchasers in accordance with law:

Henry W. Williams, Patent Nos. 2549, 2550, 2553 and 2555.

A tract 200 feet in width parallelling the South Boundary of and lying within the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 22 South, Range 27 East, and lying East of the State Highway 666.

That portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 9, Township 23 South, Range 27 East, lying East of State Highway 666.

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Henry W. Williams (cont'd)

Lots Three (3) and Four (4) and the South Half of the Northwest Quarter ($S\frac{1}{2}NW\frac{1}{4}$) of Section 3, in Township 23 South, Range 27 East.

That part of the Southeast Quarter ($SE\frac{1}{4}$) of Section 32, in Township 22 South, Range 27 East.

Howard Edward Ames, Patent Nos. 2551 and 2552.

The Southwest Quarter ($SW\frac{1}{4}$) of Section 34, in Township 22 South, Range 27 East.

The South Half ($S\frac{1}{2}$), the South Half of North Half ($S\frac{1}{2}N\frac{1}{2}$) of Section 33, Township 22 South, Range 27 East.

City of Douglas, Patent No. 2554.

That portion of Section 4 lying East of State Highway 666, in Township 23 South, Range 27 East.

John B. Hart, Patent Nos. 2648 and 2649.

The Northwest Quarter ($NW\frac{1}{4}$) of Section 34, in Township 22 South, Range 27 East.

The Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and North Half of the Northeast Quarter ($N\frac{1}{2}NE\frac{1}{4}$) of Section 33, in Township 22 South, Range 27 East.

John B. Crowell, Patent Nos. 2646 and 2647.

The East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{4}$), less 16.07 acres beginning at the Northeast (NE) Corner Southeast Quarter ($SE\frac{1}{4}$) and running south 55 degrees west, a distance of 1220.7 feet, thence North 55 degrees west for a distance of 1220.7 feet intersecting the Quarter Line 2000.0 feet West of the Northeast (NE) Corner of the Southeast Quarter ($SE\frac{1}{4}$) of Section 28, thence East to point of beginning, in Section 28, in Township 22 South, Range 27 East.

The Southwest Quarter ($SW\frac{1}{4}$) of Section 27, in Township 22 South, Range 27 East.

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In regards to that portion of the land acquired by the City of Douglas, whatever title the State of Arizona had as to the improvements thereon became merged with that title of the City of Douglas and the City of Douglas became the sole and absolute owner of any improvements or installations on that portion of land, and the individual purchasers became the owners of the interest of the State of Arizona in whatever improvements or installations existed on the portions of land they purchased. The State of Arizona by its certificate of purchase and patent duly and legally issued has divested itself of all right, title and interest in any improvements or installations existing on those portions of land.

By subsequent deeds these individual purchasers conveyed all right, title and interest acquired in their individual parcels of land to the City of Douglas, and any pre-existing rights of the City of Douglas as to improvements became merged with its title and rights acquired by purchase.

It would then appear that at this time the City of Douglas has the sole and absolute property in the land above described and in any improvements or installations existing thereon and that the State of Arizona has no interest in said improvements having divested itself of title as recited above.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

JOHN W. ROOD
Assistant Attorney
General

JWR:S

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